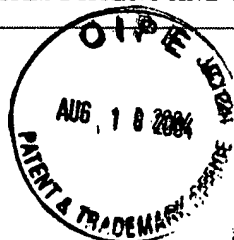




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EMC Corporation
Office of the General Counsel
176 South Street
Hopkinton, MA 01748

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In re Application of: Walton et al.
Application No. 10/022,080
Attorney Docket No. EMC-01-153
Filed: December 13, 2001
For: METHOD AND SYSTEM FOR
MAINTAINING DATA INTEGRITY
USING DUAL WRITE OPERATIONS

)
)
) **RESPONSE TO APPLICANTS'**
) **COMMUNICATION**
)
)
)

EMC CORPORATION
Intellectual Property Group
Office of the General Counsel
Legal Department

Applicants filed a letter on July 29, 2003 that only recently came to the attention of the Technology Center. The letter requested that certain remarks be entered into the application record relating to the examiner's statements made in a Notice of Allowability mailed on March 25, 2003. Specifically, applicants were responding to the examiner's requirement for drawing corrections.

The Office wishes to acknowledge receipt of the letter and to inform applicants that the letter is of record. However, a review of the application file shows the issue fee was due on June 25, 2003 and there is no record that applicants submitted payment during the statutory period. Therefore, the response filed July 29, 2003 does not change the status of the application as abandoned.

Applicants may wish to consider filing a petition under 37 CFR § 1.137 to revive the application. The application file will be retained in the Technology Center for two months from the mailing date of this letter and thereafter it will be returned to abandoned files. Telephone inquiries should be directed to the undersigned at (703) 308-0269.

Josie A. Ballato
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security



United States Patent
EMC-01-153
U.S.S.N. 10/022,080

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Walton et al	GROUP ART UNIT:	2186
U.S.S.N.:	10/022,080	EXAMINER:	Elmore, Stephen C.
FILING DATE:	December 31, 2001	CUSTOMER NO.	24227
TITLE:	<i>Method and System for Maintaining Data Integrity Using Dual Write Operations</i>		

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 16, 2004.

Linda Valanzola
Linda Valanzola

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF PETITION TO REVIVE
AND ISSUE FEE PAYMENT

Applicant recently received a communication from the Office mailed on July 2, 2004 indicating that a letter filed by the applicants on July 29, 2003 had only recently come to the attention of the Technology Center. The letter requested that certain remarks be entered into the application record relating to the examiner's statements made in a

Notice of Allowability mailed on March 25, 2003. While the Special Programs Examiner indicated that the letter has been made of record, she indicated that, because the issue fee had not been paid by the June 24, 2003 deadline, the application had been abandoned. The Special Programs Examiner suggested that the applicants file a petition under 37 C.F.R. §1.137 to revive the application.

However, also included with the applicants' submission of July 29, 2003 was a Petition for Revival of an Unintentionally Abandoned Application under 37 C.F.R. §1.137(b), as well as an authorization for the Office to charge applicants' deposit account for the fees that were due. The documents were submitted to the Office by facsimile transmission. However, the Form PTOL-85B inadvertently was not included in the submission.

Applicants exercised due diligence in attempting to determine the status of the application after the filing of the Petition, and made several telephone calls to the Office, including telephone calls to a Mr. Fletcher in the Office of Petitions on March 4, 2004; to Ms. Beth Ann Dayoan in the Office of Petitions on March 28, 2004 and April 28, 2004; and to Mr. Pinchus Laufer in Technology Center 2100 on May 13, 2004.

Applicant hereby resubmits the Petition for Revival of an Unintentionally Abandoned Application under 37 C.F.R. §1.137(b) (Exhibit A), which was originally filed on July 29, 2003, as well as applicants' response to the examiner's statements made in the Notice of Allowability mailed on March 25, 2003 (Exhibit B). Applicant also submits the Form PTOL-85B and an authorization to charge applicants' deposit account for the petition fee and the issue fee.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508)-293-7835.

Please charge any fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

8/16/04

Date

Scott A. Ouellette

Scott A. Ouellette, Esq.

Reg. No. 38,573

EMC Corporation

176 South Street

Hopkinton, MA 01748

Reg. No. 38,573

Telephone: (508)-293-7835

Facsimile: (508)-293-7189



TRANSMITTAL FORM

Application No.:	10/022,080
Filing Date:	December 31, 2001
Confirmation No.:	
First Named Inventor:	John Walton
Group Art Unit	2186
Examiner:	Elmore, Stephen C.
Customer No.	24227
Docket No.	EMC-01-153

Total Number of Pages in this Submission: **18**

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889 (in duplicate)	<input type="checkbox"/> Assignment <input type="checkbox"/> Recordation Cover Sheet	<input checked="" type="checkbox"/> Copy of Original Petition to Revive of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate), Transmittal and Confirmation Report
<input checked="" type="checkbox"/> Response: Resubmission of Petition to Revive and Issue Fee Payment	<input type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Continued Prosecution Application (CPA)
<input checked="" type="checkbox"/> Copy of Original Response w/Fax Cover sheet and Confirmation Report	<input type="checkbox"/> Associate Power of Attorney	<input checked="" type="checkbox"/> Form PTOL-85B, Part B -Issue Fee Payment Transmittal," (in duplicate)
<input checked="" type="checkbox"/> Copy of Communication from Special Program Manager	<input type="checkbox"/> Revocation of Power of Attorney	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Affidavits/Decl.	<input type="checkbox"/> Formal Drawings	<input checked="" type="checkbox"/> Certificate of Mailing or Transmission [37 CFR 1.8]
<input type="checkbox"/> Extension of Time Request for 3 Months	<input type="checkbox"/> Letter to Official Draftsperson with ____ sheets of Formal Drawings, Figs. 1 through __, labeled.	<input type="checkbox"/> Certificate of Express Mail Mailing
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review"	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Additional Enclosures:

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Date	8/16/04	Signature	
Tel: (508) 293-7835		Scott A. Ouellette, Esq. (Reg. No. 38,573)	
Fax: (508) 293-7189		EMC Corporation	
		Office of the General Counsel	
		176 South Street	
		Hopkinton, MA 01748	

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

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<input type="checkbox"/> Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 746-4000.	
Date	8/16/04
Signature	
	Linda Valanzola
	Typed or printed name of person signing certificate

TO: Auto-reply fax to 508-293-76915 COMPANY:

Auto-Reply Facsimile Transmission



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JUL-29-2003 10:59 From: EMC LAW DEPARTMENT 5084976915 T-102 P.001/004 F-464											
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<p>EMC Corporation Office of the General Counsel 176 South Street Hopkinton, Massachusetts</p>											
<p>File No.: Fax: 508-293-7189 Voice: 508-435-1000</p>											
<table border="1"> <tr> <td>To: Stephen Elmore</td> <td>Date: 7/29/2003</td> </tr> <tr> <td>Fax: 703-746-7237</td> <td>No. Including this cover sheet</td> </tr> <tr> <td>From: Scott Ouellette</td> <td>4</td> </tr> <tr> <td>Phone: 508-293-7835</td> <td></td> </tr> <tr> <td>Fax: 508-293-7189</td> <td></td> </tr> </table>		To: Stephen Elmore	Date: 7/29/2003	Fax: 703-746-7237	No. Including this cover sheet	From: Scott Ouellette	4	Phone: 508-293-7835		Fax: 508-293-7189	
To: Stephen Elmore	Date: 7/29/2003										
Fax: 703-746-7237	No. Including this cover sheet										
From: Scott Ouellette	4										
Phone: 508-293-7835											
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Job number : 464
Date : Jul-29 10:58
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Document pages : 004
Start time : Jul-29 10:58
End time : Jul-29 10:59
Pages sent : 004
Status : OK

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From: Scott Ouellette		
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CONFIDENTIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/022,080 Confirmation No. 2897
Applicant : Walton et al.
Filed : December 13, 2001
TC/A/U. : 2186
Examiner : S. Elmore
Docket No. : EMC-01-153
Customer No. : 24227
For : Method and System for Maintaining Data Integrity Using Dual Write Operations

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Response

Sir:

In response to the Notice of Allowance of March 25, 2003, please enter the following remarks in the above-identified application as follows:

Remarks/Arguments begin on page 2 of this paper.

Remarks/Arguments

This Amendment is in response to the Notice of Allowability mailed on March 25, 2003. Claims 1-10 were allowed.

The Examiner has objected the drawings under CFR 1.83(a), stating that the drawings did not show every feature of the invention specified in the claims. The Examiner specifically objected to the drawings stating that in Claim 1 and Claim 6, the drawings failed to show or depict the feature wherein the third status indication is being provided prior to the receipt of the second status indication. Applicants hereby request reconsideration and withdrawal of the objection to the drawings.

Applicants' attorney appreciates the courtesies extended by the examiner in the recent telephone conference. In the telephone conference, the examiner agreed with applicants' assertion that every feature of the invention specified in the claims is shown in the figure and indicated that the applicants could overcome the objection to the drawings by providing a written response pointing out language in the specification and elements in the figure that support the invention recited in the claims.

Applicants believe that Figure 4, when read in conjunction with the specification (page 19, line 14 to page 20, line 2 and page 20, line 19 to page 21, line 6), clearly shows every feature of the invention specified in claims 1 and 6. Referring to page 19, line 14, "After the controller 24 receives **either of the messages 304, 306**, the controller 24 then may generate and provide to the host node 124 (via the adapter 26 and the link 114) a **respective status indication message 310** that may indicate that the host node's data storage request 300 has been successfully completed by the system 112." Furthermore, "after the controller 24 receives this message 304 from the first memory board 100B, the controller 24 then may generate and **provide to the second memory board 100A the request 308, and concurrently** therewith, the controller 24 may generate and provide to the host node 124 **a respective status indication message 310** that may indicate that the host node's data storage request 300 has been successfully completed by the system 112." (page 20 line 19 – page 21 line 2). When reading the two quoted sections in the specification and referring to Figure 4 in its totality, one skilled in the art would understand that the third status indication is provided to the data exchanging device prior

to the receipt by the controller of the second status indication, as recited in claims 1 and 6.

For the reasons given above, applicants respectfully assert that the drawings clearly show every feature specified in Claim 1 and Claim 6. Accordingly, applicants request that the objection to the drawings be withdrawn and that the application be passed to issuance upon payment of the issue fee.

Should the Examiner feel that a telephone discussion may assist in furthering this matter toward issuance in due course or should the Examiner have concerns or questions, the Examiner is invited to call the undersigned at the number given.

Date: 7/29/2003

Respectfully submitted,



Scott Ouellette
Attorney for the Applicant
Registration No. 38,573
EMC Corporation
176 South Street
Hopkinton, MA 01748-9103
(508) 293-7835

Confirmation Report - Memory Send

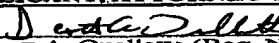

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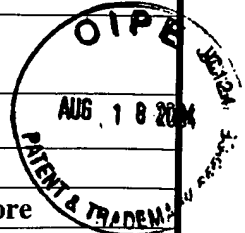
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TRANSMITTAL FORM		Application No.: 10/022,080	
		Filing Date: 12/13/2001	
		Confirmation No.: 2897	
		First Named Inventor: Walton et al.	
		Group Art Unit: 2186	
		Examiner: Stephen Elmore	
Total Number of Pages in this Submission: 3		Docket No. EMC-01-153	
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889	<input type="checkbox"/> Assignment Recordation Cover Sheet	<input checked="" type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate)	
<input type="checkbox"/> Amendment	<input type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Continued Prosecution Application (CPA)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Associate Power of Attorney	<input type="checkbox"/> Form PTOL-85B, Part B - Issue Fee Payment Transmittal, (in duplicate)	
<input type="checkbox"/> Affidavits/Decl. Terminal Disclaimer	<input type="checkbox"/> Revocation of Power of Attorney	<input type="checkbox"/> Status Inquiry	
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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
July 29, 2003 Date			
Tel: (508) 293-7835 Fax: (508) 293-7189		Scott A. Ouellette (Reg. No. 38,573) EMC Corporation Office of the General Counsel 176 South Street Hopkinton, MA 01748	
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		Signature	
		Brian Nguyen	
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TRANSMITTAL FORM

Application No.: 10/022,080
 Filing Date: 12/13/2001
 Confirmation No.: 2897
 First Named Inventor: Walton et al.
 Group Art Unit: 2186
 Examiner: Stephen Elmore
 Docket No.: EMC-01-153



Total Number of Pages in this Submission: 3

ENCLOSURES (check all that apply)

☒ Fee Authorization for the Commissioner to charge Deposit Account No. 05-0889

☐ Amendment

☐ After Final

☐ Affidavits/Decl. Terminal Disclaimer

☐ Extension of Time Request for 3 Months

☐ Information Disclosure Statement

☐ Response to Missing Parts/Incomplete Application

☐ Assignment
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☐ Formal Drawings
☐ Letter to Official Draftsperson with 4 sheets of Formal Drawings, Figs. 1 through 4, labeled.

☐ Copy of PTO 948, "Notice of Draftsperson's Patent Review"

☐ Certified Copy of Priority Document(s)

☒ Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)] (in duplicate)

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July 29, 2003

Date

Scott A. Ouellette (Reg. No. 38,573)

EMC Corporation

Office of the General Counsel

176 South Street

Hopkinton, MA 01748

Tel: (508) 293-7835

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7/29/03

Date

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Brian Nguyen

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Walton et al.

Application No.: 10/022,080

Art Unit: 2186

Filed: 12/13/2001

Examiner: Stephen Elmore

Title: Method and System for Maintaining Data Integrity Using Dual Write Operations

Attention: Office of Petitions

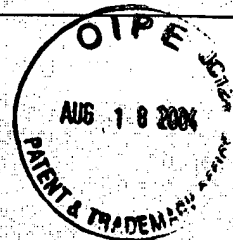
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P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,300 _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Fee authorization on Transmittal Form _____ (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ 1,300 _____

- ☐ has been paid previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

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7/29/2003

Date

Telephone
Number: (508) 293-7835

Signature

Scott A. Ouellette (Reg. No. 38,573)

Typed or printed name

EMC Corporation
176 South Street

Address

Hopkinton, MA 01748-9103

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Transmittal Form

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7/29/2003

Date



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Brian Nguyen

Type or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Walton et al.

Application No.: 10/022,080

Art Unit: 2186

Filed: 12/13/2001

Examiner: Stephen Elmore

Title: Method and System for Maintaining Data Integrity Using Dual Write Operations

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

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notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,300 _____ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Fee authorization on Transmittal Form _____ (identify type of reply):

☐ has been filed previously on _____☒ is enclosed herewith.

B. The issue fee of \$ 1,300 _____

☐ has been paid previously on _____☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

7/29/2003

Date

Telephone
Number: (508) 293-7835



Signature

Scott A. Ouellette (Reg. No. 38,573)

Typed or printed name

EMC Corporation
176 South Street

Address

Hopkinton, MA 01748-9103

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Transmittal Form

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

7/29/2003

Date



Signature

Brian Nguyen

Type or printed name of person signing certificate